

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, JULY 19, 2010**

A Regular Meeting of the Deltona City Commission was held on Monday, July 19, 2010 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Mulder.

2. ROLL CALL:

Mayor	Dennis Mulder	Present
Vice Mayor	Michele McFall-Conte	Present
Commissioner	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Janet Deyette	Present
Commissioner	Paul Treusch	Present
Commissioner	Herb Zischkau	Present
City Manager	Faith G. Miller	Present
City Attorney	Gary J. Cooney	Present
City Clerk	Joyce Kent	Present

Also present: Enforcement Services Director Dale Baker; Planning and Development Services Director Chris Bowley; Building & Zoning Services Director Cy Butts; Finance Director Robert Clinger; Parks & Recreation Director Steve Moore; and Public Works Director Glenn Whitcomb.

3. SILENT INVOCATION AND PLEDGE TO THE FLAG:

Mayor Mulder led the audience in the silent invocation and the Pledge of Allegiance to the Flag.

Corrine Gonzalez with Deltona high school sang the National Anthem.

4. APPROVAL OF MINUTES & AGENDA:

1. Regular City Commission Meeting – July 6, 2010.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to adopt the minutes of the Regular City Commission Meeting of July 6, 2010 as presented.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

B. Additions or Deletions to Agenda: None.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Proclamation – Shirley Zent Recognition Day – July 19, 2010.

Mayor Mulder presented the proclamation to Shirley Zent proclaiming July 19, 2010 as Shirley Zent Recognition Day for her efforts and time spent as a member of the City's Parks & Recreation Department.

B. Proclamation – Parks & Recreation Month – July, 2010.

Mayor Mulder presented the proclamation to Parks & Recreation Director Steve Moore proclaiming the importance of our nation's parks and recreation facilities. He encouraged everyone to learn more about how to support the places that bring our communities a higher quality of life, safe places to play and healthier alternatives through recreational programming for everyone and enjoy what the community has to offer by taking part in sports and spending time with family and friends.

C. Presentations - Quarterly Board Reports of City Advisory Board/Committees.

• **Beautification Advisory Board**

Barbara Willey gave a brief presentation which included the continuation of street cleanup on Lake Helen Osteen Road from New Hope Baptist Church to the beginning of the residential area; encouraging convenience stores to post anti-litter signs in their stores; held the first informational workshop for the public at the Lowe's Store on Howland Blvd. in June where information was given on plants, weed control, pest control and water conservation; discussions were held regarding the tree mitigation funds and where the Board would like to see trees planted throughout the City; the Board is still looking for applications for its Yard of the Quarter and encouraged residents to maintain their property and add to the beauty of the City; and the Board welcomed Harold Wooten as a new member and look forward to new projects to help beautify the City.

• **Firefighter's Pension Board**

Lisa Spriggs gave a brief presentation which included who the Board of Trustees are and their terms; the quarterly administration highlights that included the State Annual Report, Actuarial Evaluation, the required contributions, Investment Management, disability applications and the Plan Ordinance revision.

Commissioner Zischkau asked what the reason was that the current investment advisor/custodian is being changed to several different advisors and Ms. Spriggs replied the Board constantly looks at the performance of the investment manager and over time there have been several discussions with the current investment manager regarding some opportunities lost so the Board thought the investment manager might not be working at a level the Board wanted and the plan is becoming big enough to warrant a allocated investment strategy with several different investment managers.

Commissioner Zischkau asked when the Board interviews the new sources how much of the information is shared with the Board and Ms. Spriggs replied all of the firms went through a process where a third party reviewer did a first screening and brought the companies before the Board. She stated all the companies currently work for Fire/Police Pensions across the State, have proven track

records and work under the Board's investment strategy.

- **Parks & Recreation Advisory Board**

Mr. Moore gave a brief presentation which included recommendations for standardized signage in parks with the focus centered on determining the necessary types of signs and the best placement; members assisted in planning and helped with this year's Arbor Day event; members adopted Harris M. Saxon Community Center as a group project this year; member John Augustin had been selected by the Commission to serve on the Economic Development Advisory Board which leaves a vacancy on this board; and members ceremoniously said goodbye to secretary, Gloria Micelli, who has retired.

- **Citizen Accessibility Sub-Committee**

Mr. Moore gave a brief presentation which included working on the final design changes to the Board's logo; discussed a new location for the Annual Ability Fair because of lack of space at the current location; there were discussions regarding Votran and the fact that there is no service after 6:00 p.m.; and the Sub-Committee is looking into possibly helping to re-vamp the ability dance or a similar event which will be discussed further during the next quarter.

- **Senior Advisory Sub-Committee**

Mr. Moore gave a brief presentation which included the goals for the year 2010; held the first Senior Expo on June 5th at City Hall; and John Augustin of the Parks & Recreation Advisory Board had resigned from the Sub-Committee to join another City Board.

- **Youth Advisory Sub-Committee**

Mr. Moore gave a brief presentation which included all 10 Sub-Committee members being awarded The United Way Outstanding Volunteer of the Year Award for the youth category for 2009; the Sub-Committee adopted two (2) parks to clean-up which included The Lake Butler Skate Park and Manny Rodriguez Park; the members continue to work on their goals for 2010 and are already working on Relay for Life for 2011.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.

a) Eduardo Martinez, 2944 Garret St., spoke regarding issues he has had making payments to Deltona Water on the City's website.

b) Nancy Schleicher, 1460 Baton Dr., spoke regarding Deltona's first "Hob Nob" with the election candidates on Sunday, July 25th from 2:00 p.m. to 4:00 p.m. at the auditorium inside the Deltona Library who will be the sole sponsor for the event.

c) Mike Johnson, 1986 Hunter Ave., spoke regarding an article in the News Journal regarding his separation from employment with the City, Commissioner Deyette allegedly overstepping her boundaries, reported incidences in his personnel file and he suggested an investigation take place by an outside source regarding his separation from the City.

- 1 d) Mack Thomas, II, Harris Saxon Community Center, spoke regarding the facility use agreement for
2 Henkels & McCoy, Inc.
3
4 e) Bill Karlovich, 1591 Humphrey Blvd., spoke regarding the intersection of Newmark Dr. and
5 Humphrey Blvd. and he requested a flashing red light be placed at the intersection because of
6 numerous accidents that have occurred there.
7
8 f) James Weathers, 1550 Humphrey Blvd, spoke regarding the intersection of Newmark Dr. and
9 Humphrey Blvd. and numerous accidents that have occurred there.
10
11 g) Derrick Loughran, Lavina St., spoke regarding the “deltonabonifide.com” website, defaming
12 remarks made about residents and the members of the Commission and he questioned if the City
13 of Deltona is liable for any information which is posted on the website.
14

15 **7. CONSENT AGENDA:**
16

17 **Motion by Vice Mayor McFall-Conte, seconded by Commissioner Treusch to approve Consent**
18 **Agenda Items 7-A, 7-B, 7-E and 7-F.**
19

20 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**
21 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For;**
22 **Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**
23

24 ***A. Request for Approval to Award of Bid #10018, to Anderson’s Ace Hardware for**
25 **Maintenance, Repairs and Operating Supplies.**
26

27 **Approved by Consent Agenda – to approve the award of Bid #10018 for Maintenance,**
28 **Repair and Operating Supplies to Anderson's Ace Hardware at the discounted rates as listed**
29 **in their bid for a period of five (5) years for as needed purchases within appropriated**
30 **funding.**
31

32 ***B. Request for Approval to Piggyback The Cooperative Purchasing Network (TCPN)**
33 **Contract #R4954 to Lowes for maintenance, repair and operating supplies.**
34

35 **Approved by Consent Agenda – to approve piggybacking TCPN Contract #R4954 with**
36 **Lowes for an initial period through March 31, 2011 and renewed annually in accordance**
37 **with the contract and upon annual appropriation of funding.**
38

39 **C. Request for Approval Award of Bid #10021, Thornby Park All-Inclusive Playground.**
40

41 Commissioner Zischkau asked who the owners of the companies were that are mentioned in the
42 bid documents and he suggested tabling the item to the Regular City Commission Meeting of
43 August 2, 2010.
44

45 Vice Mayor McFall-Conte, Commissioner Carmolingo, Commissioner Deyette and Commissioner
46 Treusch were opposed to delaying the item.
47

Commissioner Denizac stated she agreed the item needed to move forward but, she thinks if Commissioner Zischkau needs more information he has the right to get it.

Mr. Cooney stated he is not aware of any requirement in the Florida Statutes that states in the bid process the City find out the underlining owners of a corporation but, if the Commission wants to have the procurement department include within the agenda packet ownership interests going forward the Commission can do that.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Deyette to approve award Bid No. 10021 Thornby Park All-Inclusive Playground Project to Southern Building Services, Inc.; at a total cost of \$294,000.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	For
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

D. Request for Approval of Volusia County Sub-Recipient Agreement for the 2008 Disaster Recovery Program.

Commissioner Zischkau asked if the new pumping station was going to be enough to cure the problem that caused the flooding issues on Wheeling Avenue and Matterhorn Street or will the City have to buy additional equipment to improve the connected facilities in order to make sure residents do not have flooding again. Mr. Denny replied there is an existing pump station on Wheeling Avenue which is being redone to increase the size of the force main to get rid of the water quicker and some work will be done in-house on some piping and some structures in that vicinity which staff is confident will alleviate the issues. Mr. Denny stated he believes this will take care of the majority of the issues for the residents in and around that area.

Motion by Commissioner Treusch, seconded by Commissioner Zischkau to direct staff to execute the Volusia County Sub-Recipient Agreement for use of CDBG Disaster Recovery Program funds relating to Tropical Storm Fay.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

***E. Request for Approval of renewal of Deltona Lodge 756 Facility Use Agreement.**

Approved by Consent Agenda – to approve the Long Term Facility Use Agreement with Deltona Lodge 756 for use of the Little Red Schoolhouse facility at the Deltona Community

Center for a period of one (1) year, effective July 19, 2010, with the option for a total of three (3) one-year renewals upon written agreement of both parties.

***F. Request for Waiver of Fees – SE10-009, Volusia County Hispanic Association – Back to School Event.**

Approved by Consent Agenda – to authorize staff to waive the fees associated with the rental of Wes Crile Gym for the 7th Annual Back to School Fair to be held on August 7th, 2010.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing – Resolution No. 2010-23, Adopting the Deltona Eastern Water Reclamation 2010 Facility Plan and Capital Financing Plan, and Authorizing submission of the Plan to the Florida Department of Environmental Protection (FDEP).

The public hearing was opened and closed as there were no public comments.

Commissioner Denizac asked who the authorized representative would be and Mr. Denny replied either himself or a representative of the engineering firm.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Denizac to adopt Resolution No. 2010-23 as it pertains to the Eastern Water Reclamation Facility.

Mr. Tom Vill, Project Construction Administrator with Baskerville-Donovan, Inc. gave a brief presentation which included the background of the project, the purpose of the public hearing, the Eastern Water Reclamation Facility overall project, the project site, the reclaimed water system, the Rapid Infiltration Basin (RIB) site concept, the project funding and planning, the project cost and the project benefits and funding sources.

Mr. Don Berryhill, Baskerville-Donovan, stated the purpose of the hearing is to discuss the adoption of the Deltona Eastern Water Reclamation 2010 Facility Plan and Capital Financing Plan. Once adopted the City may avail itself of low interest State Revolving Funds (SRF) for the construction of the project which will be at the City's discretion. Installation of a water reclamation facility will treat wastewater to acceptable standards and provide for either beneficial public access reuse or disposal by the RIB thereby protecting the residents and the environment of the City of Deltona. The selected plan is construction of a new 4.5 million gallon per day water reclamation facility in three (3) phases. The plan includes screening and vortex grit removal processes in the add works of Biological Nutrient Removal (BNR) and Membrane Bioreactor Aeration (MBR) processes, high level disinfection, pumping, storage and biosolids handling processes for Class AA Biosolids. The plan also includes offsite work including offsite utilities, wastewater collection system upgrades, road improvements for site access, Rapid Infiltration Basin (RIB) and site construction and implementing public access reuse system for the eastern portion of the City service area. The revenues pledged to pay for debt service are system development charges and the gross revenues derived yearly from the operation of the utility system after payment of the operation and maintenance expense and the satisfaction of all yearly payment obligations on account of senior revenue obligations. He stated if there were no further comments from the public it is his recommendation to pass the resolution adopting the facility plan and the capital financing plan as this is a necessary part of the process to

allow the City to access the SRF Funding.

Commissioner Zischkau asked if the City committed to this financing plan does it force the City to either use the land as proposed or to give up the financing and Mr. Vill replied based on the recent workshop discussion the plan has been developed utilizing the 122 acre City owned site and if the City were to determine in the future that it did not want to utilize that site the plan could be amended.

Commissioner Zischkau asked if Mr. Vill had prepared any analysis of any alternative sites such as the Hagen properties and Mr. Vill replied there was considerable analysis done on the Hagen property in particular and an overall screening of the City was done based on available soil information, wetlands information, the physical characteristics needed for a RIB site and proximity to the plant.

Mayor Mulder stated the 122 acre City owned property is zoned park land, not commercial and it is entirely residential on the north, south, east and west sides of the property.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	For
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

9. OLD BUSINESS: None.

10. NEW BUSINESS:

A. Resolution No. 2010-03, Establishing the tentative proposed millage rate for the levy of ad valorem taxes for FY 2010/2011.

Motion by Vice Mayor McFall-Conte, second by Commissioner Carmolingo to approve Resolution No. 2010-13, determining the tentative proposed millage rate for the levy of ad valorem taxes for 2010 at 6.4464 mills.

Mayor Mulder stated the rate is below the rollback rate and the number can move down but, not up and that this is a starting point.

Commissioner Denizac stated she will not support the proposed millage rate and she gave a brief explanation why. Mayor Mulder asked what millage rate Commissioner Denizac would support and Commissioner Denizac replied she could support the City Manager's initial proposed millage rate of 5.9540%.

Commissioner Zischkau stated for the City to continue at the current millage rate of 5.43755% would be better than what the proposed motion does at a millage rate of 6.4464% but, it would not be a tax cut.

Commissioner Deyette stated the rate does not reflect what the residents actually pay and the rollback rate means everything stays the same as last year regarding the dollars. She stated she is okay with the proposed millage rate because it will come before the Commission again and the budget is not finalized.

Mayor Mulder stated the rollback rate is the same amount the City collected last year and the millage rate is not a tax rate but, a multiplier. He provided examples of what residents paid last year and what they would pay this coming year based on the proposed millage rate and rollback rate.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	Against
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

Ms. Miller stated she provided a list of FY 2010/2011 budget considerations based on the July 13th workshop discussion and she asked for some direction from the Commission.

Vice Mayor McFall-Conte stated she was fine with the list because it was what was discussed at the workshop.

Commissioner Denizac stated she liked every item on the list. She stated there is \$3.5 million in a "savings account", the items are not reoccurring expenses and since the City has the money the items should be done.

Commissioner Carmolingo stated the City needs to keep moving forward and do what projects need to be done with the revenue it has.

B. Resolution No. 2010-15, Establishing the preliminary annual rate resolution – Solid Waste Services for FY 2010/2011.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Deyette to approve Resolution No. 2010-15, Establishing Preliminary Assessment Rate Resolution – Solid Waste Assessment for FY 10/11 to provide for annual rate of \$132.00 for solid waste collection services.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

C. Resolution No. 2010-16, Establishing the preliminary annual assessment rate –

Stormwater Utility Services for FY 2010/2011.

Motion by Commissioner Denizac, seconded by Commissioner Zischkau to approve Resolution No. 2010-16, Establishing Preliminary Assessment Rate Resolution – Stormwater Utility Assessments for FY 10/11 at the rate of \$76.11 per Equivalent Residential Unit (ERU).

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

D. Resolution No. 2010-14, Establishing Preliminary Annual Assessment Rate - Streetlighting Services for FY 10/11.

Motion by Commissioner Carmolingo, seconded by Commissioner Deyette to approve Resolution No. 2010-14, adopting the current rate for Streetlighting Assessments for FY 10/11.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

E. Consideration of request from Aurora Loan Services for reduction of fine from \$5,000 assessed pursuant to Special Magistrate Case DEL07-068.

Mr. Baker stated the original owner of the property was brought before the Special Magistrate for enclosing a carport without a permit and the owner was fined. The property was foreclosed on and Aurora Loan Services is now the current owner. Once they acquired the property they corrected the violation and brought the property into compliance. Aurora Loan Services went before the Special Magistrate to request a reduction of the fine from \$5,000 to \$500 and the Special Magistrate has made that recommendation.

Motion by Commissioner Deyette, seconded by Commissioner Treusch to grant the request of Aurora Loan Services for a reduction of the fine concerning Case No. DEL 07-068 for the property located at 2930 Bath Street, Deltona, Florida, to the sum of \$500.00 to be paid within 30 days (August 19, 2010) or the fine reverts back to the original amount.

Commissioner Denizac suggested the fine be reduced to \$2,500 and Commissioner Zischkau agreed.

Amended motion by Commissioner Zischkau, seconded by Commissioner Denizac to amend the motion to make the sum \$2,500 instead of \$500.

Amended motion failed with members voting as follows:

Commissioner Carmolingo	Against
Commissioner Denizac	For

Commissioner Deyette	Against
Commissioner Treusch	Against
Commissioner Zischkau	For
Vice Mayor McFall-Conte	Against
Mayor Mulder	Against

Vice Mayor McFall-Conte stated the code enforcement infraction did not happen when Aurora Loan Services took over the property and they brought the property into compliance.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	Against
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

F. Request for approval of the Facility Use Agreement – Henkels and McCoy.

Commissioner Denizac stated she would not support the agreement because she felt there should not be young adults at the facility who have caused destruction to it at the same time programs are being held for two (2) and three (3) year old kids. She stated she is not opposed to the program but, she is opposed to when it takes place and being around small children possibly putting them at risk.

Mayor Mulder asked Mr. Moore what he thought of the program and Mr. Moore replied overall the program is good, he is not sure if this is the right location, there are some potential issues, the City is hurting for space right now and whatever the Commission decides as a rate is their decision.

Commissioner Zischkau stated since Harris M. Saxon Park is in Commissioner Denizac's district she is the most familiar with what goes on there so he is in support of her suggestion and he thinks the Commission should support her concerns and send the item back to staff to find a more suitable place for the group.

Motion by Commissioner Zischkau, seconded by Vice Mayor McFall-Conte not to take any action with the understanding that staff is going to look for alternative locations, bring them back to the Commission and give an extension to Henkels & McCoy, Inc.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

G. Selection of Voting Delegate to the 84th Annual Florida League of Cities Conference.

1 **Motion by Vice Mayor McFall-Conte, seconded by Commissioner Deyette to select**
2 **Commissioner Carmolingo as the City's voting delegate to the 84th Annual Conference of**
3 **the Florida League of Cities.**

4
5 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**
6 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For;**
7 **Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**

8
9 **11. CITY COMMISSION COMMENTS:**

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11 a) Commissioner Treusch stated that Veterans's Memorial Park had a barbeque at the July 4th Event
12 and collected over \$1,000 which is helping to finish the Vietnam Veterans Wall but, there is still
13 more money that is needed. He thanked everyone that had contributed.

14
15 b) Commissioner Treusch stated he is concerned about the traffic issues at the intersection of
16 Humphrey Blvd. and Newmark Dr. He asked the City Manager to contact the Volusia County
17 Sheriff's Department to see how many accidents have occurred at that intersection, to find out if
18 there is an industry standard but, that something had to be done.

19
20 Mayor Mulder suggested putting rumble strips leading up to the stop signs and he asked if that is
21 something that can be done. Ms. Miller stated there is a traffic calming Ordinance that was
22 adopted by the Commission and staff will look into seeing what actions can be taken to address
23 the issue.

24
25 Commissioner Deyette suggested having a red flashing light like the one that is at the intersection
26 of Montecito Ave. and Ft. Smith Blvd.

27
28 Commissioner Denizac stated the issue is worth looking into because it is also a short cut for
29 students to avoid Howland Blvd. to get to Pine Ridge High School. She stated if there is going to
30 be construction on Howland Blvd. then Humphrey Blvd. is going to be one of the main roads to
31 get to Pine Ridge High School and she would support looking into the issue to avoid any more
32 accidents.

33
34 Ms. Miller stated that speed tables are more expense than rumble sticks but, staff can address the
35 issue quickly.

36
37 Commissioner Zischkau agreed with putting rumble sticks at the intersection which are a lot less
38 expensive than a speed table but, besides that the traffic engineer should study the area and report
39 back to the Commission at the next meeting.

40
41 c) Commissioner Denizac stated a few years back this Commission had a discussion along with
42 Volusia County regarding the Joint Planning Area (JPA) and in one (1) of those discussions the
43 Commission spoke about the City requiring annexation if the City would be supplying utilities
44 and the consensus of the Commission was absolutely yes. Right now what is going to become
45 Florida Hospital on S.R. 415 is being developed under the County but; the City will be supplying
46 the utilities. She stated she thinks it would make sense for the City to proactively seek annexation
47 of that land and make the future hospital part of Deltona. She stated when the time comes to enter

1 into a utility agreement that the annexation of the property be part of the agreement. She stated
2 she would like the support of the Commission because she believes this will open a lot of doors
3 for Deltona and that this may be the economic engine the City has been waiting for.

4
5 Mayor Mulder asked if any of the Commission were opposed to staff looking at all the elements
6 discussed by Commissioner Denizac and having the topic placed on the agenda for a workshop as
7 soon as information is gathered and none of the Commission opposed.

8
9 d) Commissioner Carmolingo thanked the two (2) residents on Humphrey Blvd. who spoke, it is an
10 honor for him to service residents like them and the way they handled the situation was great. He
11 stated he believes the City should do something to try and solve the issue.

12
13 e) Commissioner Carmolingo stated Beef O' Brady's has re-opened. He stated he tries not to go out
14 of Deltona when he goes out to eat and eats at local restaurants like Scorpions and Rosie's. He
15 stated the last couple of weeks he has eaten at Beef O' Brady's who is under new management.
16 He stated the food is great and anyone who misses out on an opportunity to eat there misses out
17 on some great food.

18
19 f) Commissioner Carmolingo stated over by the Wal-Mart on Howland Blvd. Hungry Howie's has
20 just opened up and B & T Bakery Deli is just about ready to open in that same plaza. He stated
21 these are two (2) things to look forward to because the City needs a bakery.

22
23 g) Commissioner Carmolingo stated he realizes there has been a car wash in the City for a long time
24 but, on Howland Blvd. there is a new car wash which has a wonderful looking building and he is
25 going to try it out.

26
27 h) Commissioner Deyette thanked everyone for their attitude regarding the issue on Humphrey
28 Blvd. and the two (2) residents that came to the meeting because she had intended to use her time
29 during Commission Comments to talk about the issue.

30
31 i) Commissioner Deyette stated the City was mentioned in Money Magazine for being listed as
32 number four (4) in the Country of the top places to buy a home.

33
34 j) Commissioner Zischkau thanked Commissioner Carmolingo for his encouraging words for the
35 restaurant trade in Deltona. He stated District #2 for a long time did not have a place to eat until
36 the Scrub Jay Cafe opened up at the newly rebuilt public library. He stated District #2 is still
37 looking for one of those good restaurants that Commissioner Carmolingo is so fond of. He stated
38 Deltona has always had a New York City class bagel bakery and was one (1) of only two (2)
39 places in the metropolitan area for many years, the Bagel King on Deltona Blvd. in the Formosa
40 Plaza next to Enterprise Road. He stated Commissioner Carmolingo and himself could have real
41 New York bagels at Bagel King some time.

42
43 k) Commissioner Zischkau thanked Mark Harper of the News Journal for a spectacularly well
44 written newspaper article on the problem that was raised by one of the citizens that spoke during
45 Public Comments. He stated the reason he thinks it was a good piece of journalism is because it
46 showed that he worked hard to collect the quotes and interviewed people to get some real facts for
47 the article. He stated what is important about the article is that it brings out that there is a problem
48 in the City's relationship with its employees because the pattern of bringing employees in for one

(1) reason or another that have been with the City many years and have done a good job according to their evaluations and then giving them the choice of quitting or having their reputation being impugned by being fired. He stated he thinks it destroys moral at City Hall and the situation here appears to be worth investigating whether the husband of a Commissioner interfered with the employment of a City employee. He asked Ms. Miller to put this item on the workshop agenda so the Commission could have a chance to hear how employees are managed and the Commission could give suggestions for giving the employees some recourse. He suggested a partial solution to this problem of treating employees unfairly and political power being abused is that the City could have an advisory board, a decision making board, a first resort, to investigate employee actions when the employee goes to them. He stated the City does not own its employees, they have to be treated with respect and fairness and political pressures often do jeopardize people's jobs. The best way of doing that without interfering with the rightful authority of the City Manager and her Directors is to have this kind of review that does not involve litigation, going to court and does not add a great expense but, it gives the employee a chance to tell their side of the story. If people are not satisfied with the recommendation of the citizen board the City Commission would have the final say and that way there would be a counter weight to the kind "brutal" taking advantage of an employee that was in the newspaper article where the employee was given the choice of eight (8) weeks of pay, quitting and having a gag order or being fired and perhaps not getting the money which the employee is entitled to by law right of way.

- l) Vice Mayor McFall-Conte stated she emailed Ms. Miller after the last County Council Meeting and complimented her on her comments in a newspaper article because at the end of the last County Council Meeting one of the council members brought up the issue of medical transport. She stated the Commission had discussed the topic before and when she read Ms. Miller's comments they mirrored what the Commission's previous discussions had been which very much brought forward the Commission's position as the largest City on the issue of medical transport.
- m) Mayor Mulder stated the microphones seem to be low tonight, he has had difficulty hearing people and he asked if they could be fixed.
- n) Mayor Mulder stated he had already gone to the new carwash and the technology is wonderful. He stated hopefully the business will prosper like a lot of other businesses in the City; it is a first class carwash and the gentlemen who owns it has owned a number of them for years in Altamonte Springs and all over the State. He encouraged everyone to check it out and to stop going to Blue Springs Carwash.
- o) Mayor Mulder stated he has great concerns over the item Commissioner Zischkau asked to have on a workshop agenda. He stated this City has a Chief Executive Officer (CEO) who is in charge of the daily operations of the City by City Charter and should have the Commission's support in doing so. He stated Ms. Miller is doing an excellent job and he is sorry that the circumstances are always what they are and he understands that nobody is perfect. He stated Ms. Miller and he have had a number of conversations on issues just like the one that is being referenced regarding employees but, sometimes when someone is so nice and tries to make it so that people are employable in the future, it does not always work. He stated if he had the opportunity, which he will not, to right an evaluation this is something he would comment strongly on.

1 p) Mayor Mulder thanked all the staff for the way the July 4th Event went considering the weather
2 conditions.
3

4 **12. CITY ATTORNEY COMMENTS:**
5

6 Mr. Cooney stated at the last meeting Commissioner Carmolingo asked if the Commission wanted
7 him to look at doing a moratorium for internet café businesses but, there was no comments
8 provided by the Commission. He asked if the Commission wanted him to look into it and to bring
9 something forward.
10

11 Mayor Mulder asked if there was any case law and Mr. Cooney replied nothing specific to internet
12 cafes as he understands them. Mr. Cooney stated he had done some work years ago on bingo
13 parlors when they started becoming popular amongst the commercial set but, the first issue is if
14 the Commission even wants him to look into it and if it is something it is interested in.
15

16 Mayor Mulder stated if a Commission member wants the Commission to look into something he
17 does not have a problem with it but, the issue he is chiefly concerned with is the legality of it
18 because of its controversy.
19

20 Commissioner Carmolingo stated he would definitely like to go for a moratorium and look into
21 what internet cafes have to offer the City which he believes is nothing. He stated he noticed other
22 cities that have them where senior citizens are going in and if they win it is great but, if they do
23 not it is not a good situation. He stated he does not think this is the kind of commercial business
24 Deltona is looking for and he would appreciate the support of the Commission.
25

26 Mayor Mulder asked to schedule the item for a workshop and have Mr. Cooney research the issue
27 and the Commission concurred.
28

29 **13. CITY MANAGER COMMENTS:**
30

31 Ms. Miller stated the Daytona Beach News Journal has asked to moderate a debate for Deltona's
32 candidates for Mayor and have asked to use the Lakeshore Community Center. She stated there is
33 a fee which they are asking to be waived and they would like staff to tape it for rebroadcast on
34 DTV. She stated this has not been done before and she would like some direction from the
35 Commission.
36

37 Vice Mayor McFall-Conte stated she did not have a problem waiving the fee for the use of the
38 facility because the service they would be providing for the forum is a public service but, she does
39 object to staff videotaping the forum for rebroadcast because there are citizens that would accuse
40 the City of editing the program to benefit the Commission somehow. She suggested waiving the
41 fee for the use of the facility if they included District 1, 3 and 5 in the debate which would provide
42 more of a citywide service. The Commission agreed.
43

44 Commissioner Deyette questioned whether candidates could campaign in a public facility when
45 the organization having the event did not pay for the use of the facility.
46

47 Ms. Miller stated under the facility fee schedule the News Journal falls under Category #4 which

1 is for profits and is a fee of \$600 per day. She stated the other fees are per hour but, that staff may
2 be able to brake the fee out to \$75.00 per hour rather than per day and she believes the event is two
3 (2) hours long plus set-up.

4
5 Mayor Mulder stated there is a consensus that the Commission does not want staff to tape the
6 event or rebroadcast it. He suggested giving them space for a couple of hours and seeing if the
7 News Journal is willing to pay a reduced fee for the use of the facility of \$150.

8
9 Ms. Miller asked for some direction from the Commission regarding Commissioner Zischkau's
10 request to discuss the advisability of having a citizen board to review employee actions.

11
12 Mayor Mulder stated he does not think the City Charter gives the Commission this kind of latitude
13 and Vice Mayor McFall-Conte agreed and she stated the next workshop agenda is full.

14
15 Commissioner Denizac asked Mr. Cooney if the City Charter allows this or not and Mr. Cooney
16 replied he did not have the City Charter with him but, that he would be glad to put something and
17 writing and distribute it to the Commission.

18
19 Mayor Mulder suggested making a decision after the Commission has received an informed legal
20 opinion and the Commission concurred.

21
22 **14. ADJOURNMENT:**

23
24 There being no further business, the meeting adjourned at 9:10 p.m.

25
26
27
28
29 **ATTEST:**

Dennis Mulder, MAYOR

30
31
32
33 **Joyce Kent, CITY CLERK**

34